

In the Court of Appeals of the State of Alaska

Jeffrey Allan Hout,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-13854**

Order

Motion for Representation Hearing

Date of Order: **November 23, 2022**

Trial Court Case No. **4FA-16-01540CI**

The Appellant, Jeffrey Allan Hout, is currently represented by Michael L. Barber, an attorney who is working under contract with the Office of Public Advocacy. Mr. Barber asks the Court to remand this case for a representation hearing. Mr. Barber explains that based on conversations and correspondence he has had with Mr. Hout, as well as Mr. Barber's review of documents Mr. Hout mailed to the Office of Public Advocacy, there may be a conflict of interest in his representation of Mr. Hout pursuant to Alaska Rule of Professional Conduct 1.7(a)(2).

Accordingly, **IT IS ORDERED:**

1. The motion for a representation hearing is **GRANTED**. This case is remanded to the superior court to determine whether Mr. Barber's representation of Mr. Hout in this appeal presents a conflict of interest. If the superior court concludes that there is a conflict of interest, the court shall further determine whether, given the nature of the conflict, alternate counsel from the Office of Public Advocacy may be appointed or whether the conflict requires appointment of a new attorney under Administrative Rule 12(e). If the superior court concludes that there is not a conflict of interest with Mr. Barber's representation, then Mr. Barber shall continue to represent Mr. Hout in this appeal.

Hout v. State - p. 2
File No. A-13854
November 23, 2022

2. The superior court's report on this matter shall be transmitted to this Court on or before **December 23, 2022**. At the request of the superior court, this deadline may be extended.

Entered at the direction of an individual judge.

Clerk of the Appellate Courts

/s/ R. Montgomery-Sythe

Ryan Montgomery-Sythe,
Chief Deputy Clerk

cc: Judge Haas, Presiding Judge, Fourth Judicial District
Trial Court Clerk - Fairbanks
Jeffrey Hout at Goose Creek Correctional Center

Distribution:

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